



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Wang *et al.*  
SERIAL NO.: 10/671,326 GROUP NO.: Not yet assigned  
FILING DATE: September 25, 2003 EXAMINER: Not yet assigned  
TITLE: Bifunctional Heterocyclic Compounds and Methods of Making and  
Using Same

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL UNDER**  
**37 C.F.R. § 1.102(d) AND MPEP § 708.02 (XII)**

Sir:

Pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII), Applicants hereby petition the Commissioner to make the above-identified patent application special so that it may be advanced out of turn for immediate action.

Accompanying this petition are:

- (a) a Statement Of Facts In Support Of Petition To Make Special by Susan Froshauer, Ph.D., President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc.; and
- (b) a check in the amount of \$130.00 to cover the petition fee pursuant to 37 C.F.R. § 1.17(h).

In view of the statement of facts provided herewith, Applicants respectfully request that this Petition be granted. The Office is invited to contact the undersigned with any questions concerning this paper.

04/27/2004 SDENBOB1 00000030 10671326

01 FC:1460

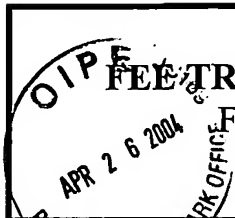
130.00 OP

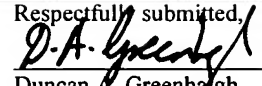
Date: April 23, 2004  
Reg. No. 38,678

Tel. No.: (617) 248-7317  
Fax No.: (617) 248-7100

Respectfully submitted,

Duncan A. Greenhalgh  
Attorney for Applicants  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

 <b>FEE TRANSMITTAL</b> FY 2003	Complete if Known		
	Application Serial Number	10/671,326	
	Filing Date	September 25, 2003	
	First Named Inventor	Wang	
	Group Art Unit	Not yet assigned	
	Examiner Name	Not yet assigned	
		Attorney Docket No.	RIB-007

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																			
1. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other				3. ADDITIONAL FEES																																																																																			
2. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531. <input type="checkbox"/> Required Fees (copy of this sheet enclosed). <input checked="" type="checkbox"/> Additional fee required under 37 CFR 1.16 and 1.17. <input checked="" type="checkbox"/> Overpayment Credit.				<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>130</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>2,520</td> <td>2,520</td> <td>Request for ex parte reexamination</td> <td></td> </tr> <tr> <td>110</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>410</td> <td>205</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>930</td> <td>465</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1450</td> <td>725</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1970</td> <td>985</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>320</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>280</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>130</td> <td>Petitions to the Commissioner</td> <td>130.00</td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of Information Disclosure Statement</td> <td></td> </tr> <tr> <td>750</td> <td>375</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>750</td> <td>375</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>100</td> <td>100</td> <td>Certificate of Correction for applicant's error</td> <td></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> <tr> <td colspan="2">Other fee (Specify)</td> <td colspan="2"></td> </tr> </tbody> </table>				Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid	130	65	Surcharge - late filing fee or oath		50	25	Surcharge - late provisional filing fee or cover sheet		130	130	Non-English specification		2,520	2,520	Request for ex parte reexamination		110	55	Extension for reply within first month		410	205	Extension for reply within second month		930	465	Extension for reply within third month		1450	725	Extension for reply within fourth month		1970	985	Extension for reply within fifth month		320	160	Notice of Appeal		320	160	Filing a brief in support of an appeal		280	140	Request for oral hearing		130	130	Petitions to the Commissioner	130.00	180	180	Submission of Information Disclosure Statement		750	375	Filing a submission after final rejection (37 CFR 1.129(a))		750	375	For each additional invention to be examined (37 CFR 1.129(b))		100	100	Certificate of Correction for applicant's error		Other fee (Specify)				Other fee (Specify)			
Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid																																																																																				
130	65	Surcharge - late filing fee or oath																																																																																					
50	25	Surcharge - late provisional filing fee or cover sheet																																																																																					
130	130	Non-English specification																																																																																					
2,520	2,520	Request for ex parte reexamination																																																																																					
110	55	Extension for reply within first month																																																																																					
410	205	Extension for reply within second month																																																																																					
930	465	Extension for reply within third month																																																																																					
1450	725	Extension for reply within fourth month																																																																																					
1970	985	Extension for reply within fifth month																																																																																					
320	160	Notice of Appeal																																																																																					
320	160	Filing a brief in support of an appeal																																																																																					
280	140	Request for oral hearing																																																																																					
130	130	Petitions to the Commissioner	130.00																																																																																				
180	180	Submission of Information Disclosure Statement																																																																																					
750	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																					
750	375	For each additional invention to be examined (37 CFR 1.129(b))																																																																																					
100	100	Certificate of Correction for applicant's error																																																																																					
Other fee (Specify)																																																																																							
Other fee (Specify)																																																																																							
<b>FEE CALCULATION</b>				<b>SUBTOTAL (3) (\$ 130.00)</b>																																																																																			
1. FILING FEE				<b>SUBTOTAL (1) 0.00</b>																																																																																			
<table border="1"> <thead> <tr> <th>Large Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>750</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>330</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>160</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>				Large Entity Fee (\$)	Fee Description	Fee Paid	750	Utility filing fee		330	Design filing fee		160	Provisional filing fee		<b>SUBTOTAL (2) 0.00</b>																																																																							
Large Entity Fee (\$)	Fee Description	Fee Paid																																																																																					
750	Utility filing fee																																																																																						
330	Design filing fee																																																																																						
160	Provisional filing fee																																																																																						
<table border="1"> <thead> <tr> <th></th> <th>Number Filed</th> <th>Number Extra</th> <th>Rate</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>- 20 =</td> <td></td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td></td> <td>x \$ 84.00 =</td> <td></td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> Multiple Dependent Claim(s), if any             </td> <td>\$280.00 =</td> <td></td> </tr> <tr> <td colspan="4">TOTAL:</td> <td>0.00</td> </tr> <tr> <td colspan="4">SMALL ENTITY DISCOUNT:</td> <td>0.00</td> </tr> <tr> <td colspan="4">SUBTOTAL (1)</td> <td>(\$ 0.00)</td> </tr> </tbody> </table>					Number Filed	Number Extra	Rate	Amount	Total Claims	- 20 =		x \$ 18.00 =		Independent Claims	- 3 =		x \$ 84.00 =		<input type="checkbox"/> Multiple Dependent Claim(s), if any			\$280.00 =		TOTAL:				0.00	SMALL ENTITY DISCOUNT:				0.00	SUBTOTAL (1)				(\$ 0.00)	<b>SUBTOTAL (2) (\$ 0.00)</b>																																																
	Number Filed	Number Extra	Rate	Amount																																																																																			
Total Claims	- 20 =		x \$ 18.00 =																																																																																				
Independent Claims	- 3 =		x \$ 84.00 =																																																																																				
<input type="checkbox"/> Multiple Dependent Claim(s), if any			\$280.00 =																																																																																				
TOTAL:				0.00																																																																																			
SMALL ENTITY DISCOUNT:				0.00																																																																																			
SUBTOTAL (1)				(\$ 0.00)																																																																																			
2. AMENDMENT CLAIM FEES				<b>TOTAL (\$ 130.00)</b>																																																																																			
<table border="1"> <thead> <tr> <th>Claims Remaining After Amend.</th> <th>Highest No. Previously Paid For</th> <th>Present Extra</th> <th>Rate</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>Total</td> <td>-</td> <td>=</td> <td>x \$ 18.00 =</td> <td></td> </tr> <tr> <td>Indep.</td> <td>-</td> <td>=</td> <td>x \$ 84.00 =</td> <td></td> </tr> <tr> <td colspan="3"> <input type="checkbox"/> First Presentation of Multiple Dep. Claim             </td> <td>+ \$280.00 =</td> <td></td> </tr> <tr> <td colspan="4">TOTAL:</td> <td>(\$ 0.00)</td> </tr> <tr> <td colspan="4">SMALL ENTITY DISCOUNT:</td> <td>(\$ 0.00)</td> </tr> <tr> <td colspan="4">SUBTOTAL (2)</td> <td>(\$ 0.00)</td> </tr> </tbody> </table>				Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid	Total	-	=	x \$ 18.00 =		Indep.	-	=	x \$ 84.00 =		<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$280.00 =		TOTAL:				(\$ 0.00)	SMALL ENTITY DISCOUNT:				(\$ 0.00)	SUBTOTAL (2)				(\$ 0.00)	<b>SUBTOTAL (3) 130.00</b>																																																
Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid																																																																																			
Total	-	=	x \$ 18.00 =																																																																																				
Indep.	-	=	x \$ 84.00 =																																																																																				
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$280.00 =																																																																																				
TOTAL:				(\$ 0.00)																																																																																			
SMALL ENTITY DISCOUNT:				(\$ 0.00)																																																																																			
SUBTOTAL (2)				(\$ 0.00)																																																																																			
<b>CORRESPONDENCE ADDRESS</b>				<b>SIGNATURE BLOCK</b>																																																																																			
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100				Respectfully submitted,  Date: April 23, 2004 Reg. No.: 38,678 Tel. No.: (617) 248-7317 Fax No.: (617) 248-7100 Duncan A. Greenhagh Attorney for the Applicants Testa, Hurwitz & Thibault, LLP High Street Tower-125 High Street Boston, MA 02110																																																																																			



Atty. Docket No. RIB-007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Wang *et al.*

SERIAL NO.: 10/671,326                      GROUP NO.: Not Yet Assigned

FILING DATE: September 25, 2003              EXAMINER: Not yet assigned

TITLE: Bifunctional Heterocyclic Derivatives and Methods of Making and Using Same

Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL**

Sir:

I, Susan Froshauer, Ph.D., am providing this statement of facts in support of a petition to make the above-identified patent application special pursuant to 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII). I hereby declare and state as follows:

- (1) I am the President and Chief Executive Officer of Rib-X Pharmaceuticals, Inc. ("Rib-X").
- (2) Rib-X is the owner by assignment of the above-identified patent application.
- (3) Rib-X is entitled to and has claimed small entity status for the application. Rib-X is a small business concern.
- (4) Rib-X is a new biotechnology company, founded in 2001, focused on the discovery of new anti-infective agents. The Company's drug discovery program relies on the utilization of the high-resolution crystal structure of the 50S subunit of the ribosome to design new antibiotic agents for treating drug resistant infections. The Company's integrated research program combines a series of approaches including biochemistry, molecular biology, medicinal chemistry, X-ray crystallography, and computational chemistry.

(5) The development of bacteria resistant against current antibiotic agents is a serious and growing public health concern. Consequently, there is an ongoing need for new and effective antibiotic agents. Rib-X's biotechnology program aimed at developing the next generation of antibiotic agents is therefore both important and timely.

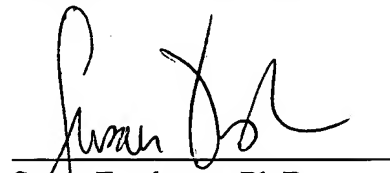
(6) The filing of the present patent application is a significant milestone in the biotechnology research of Rib-X. The patent application relates to bifunctional heterocyclic compounds useful as anti-infective agents. The development of the technology described in the patent application will be significantly impaired if examination of the patent application is delayed. To date, Rib-X has received private financing to fund its drug discovery efforts. Because drug discovery is expensive, Rib-X plans to secure additional rounds of financing to support the development of the technology and to seek partners interested in further developing and bringing the technology to the market. The early allowance of claims in the patent application likely will improve Rib-X's chance of attracting and securing additional financing and of finding a partner to develop and bring the technology to the market.

(7) The patent application and the potential exclusivity afforded by a patent issuing from the application represent a major Company asset.

(8) All statements made of my knowledge are true and all statements made on information are believed to be true. I understand that willful false statements and the like are punishable by fine, imprisonment, or both under 18 U.S.C. § 1001, and may jeopardize the validity of the application or any patent issuing thereon.

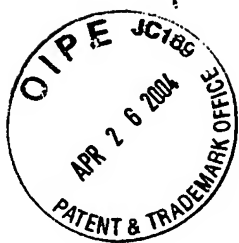
Signed at New Haven, Connecticut, this 14<sup>th</sup> day of April, 2003.

Respectfully submitted,



---

Susan Froshauer, Ph.D.  
President & CEO  
Rib-X Pharmaceuticals, Inc.



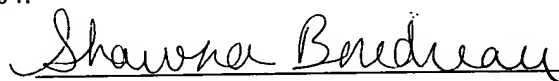
PATENT  
Attorney Docket No. RIB-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Wang *et al.*  
SERIAL NO.: 10/671,326 GROUP NO.: Not yet assigned  
FILING DATE: September 25, 2003 EXAMINER: Not yet assigned  
TITLE: Bifunctional Heterocyclic Compounds and Methods of Making and Using Same

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of April, 2004.

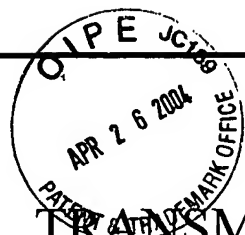
  
Shawna Boudreau

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is/are:

1. Transmittal Form (1 page);
2. Fee Transmittal (1 page);
3. Petition to Make Special Under 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII) (1 page);
4. Statement of Facts in Support of Petition to Make Special (2 pgs.);
5. a check in the amount of \$130.00;
6. and a return receipt postcard.



# TRANSMITTAL FORM

Application Serial Number	10/671,326
Filing Date	September 25, 2003
First Named Inventor	Wang
Group Art Unit	Not yet assigned
Examiner Name	Not yet assigned
Attorney Docket No.	RIB-007
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Preliminary <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]  <input type="checkbox"/> Petition for Extension of Time  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)  <input type="checkbox"/> Formal Drawing(s)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry  <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8  <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  (i) Petition to Make Special Under 37 C.F.R. § 1.102(d) and MPEP § 708.02 (XII)  (ii) Statement of Facts in Support of Petition to Make Special
---	--	---

## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Date: April 23, 2004  
Reg. No. 38,678  
Tel. No.: (617) 248-7317  
Fax No.: (617) 248-7100

Respectfully submitted,

  
Duncan A. Greenhalgh

Atty/Agent for Applicant(s)  
Testa, Hurwitz & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110